Submission from Mr Jim Allister KC, Member of Parliament for North Antrim on the draft Batteries (Placing on the Market) (Northern Ireland) Regulations 2026

I write regarding The Batteries (Placing on the Market) (Northern Ireland) Regulations 2026 thinking particularly of your terms of reference:

'3 (a): That the regulations are politically or legally important, or raise issues of public policy likely to interest the House.'

3 (d) that the explanatory material laid in support provides insufficient information to gain a clear understanding about the instrument's policy objective and intended implementation;'

The explanatory material acknowledges that previously NI has been subject to the same enforced legislation as the rest of the UK, but that thanks to these regulations will become subject to different enforced legislation from the rest of the UK:

'5.3. The former requirements of the placing on the market provision of the 2006 Batteries Directive ***were implemented in Northern Ireland through the Batteries and Accumulators (Placing on the Market) Regulations 2008 which applied across the UK****. The EU Batteries Regulation which replaces the 2006 Batteries Directive has more extensive placing on the market requirements including measures designed to promote better environmental outcomes, safety and availability of information.'*

While it would seem that the legislation does make provision such that batteries made in Northern Ireland can be used in other parts of the UK, it implies that:

i) batteries generated for consumption in other parts of the UK will not be able to be sold or used in Northern Ireland unless they are made to the specifications set by the EU and
ii) no commitment has been made to bring GB battery manufacture into line with that of NI – instead products to be sold in NI must be subject to a unique UK(NI) marking. This will undermine the integrity of the UK Single Market and mean that companies based in Northern Ireland operate at a serious disadvantage compared to their competitors in the rest of the UK for at least two reasons:

First, they will face higher costs if they choose to buy or sell batteries than their competitors in GB because of the greater regulatory demands surrounding their manufacture.

Second, they will face a supply chain challenges unless battery manufacturers in GB comply with the law in NI for at least some of their products.

Third, they will be subject to the additional unique costs of paying for UK(NI) certification and uniquely be liable before the courts if they seek to assert the same UK Internal Market rights as UK citizens living in the rest of the UK.

These concerns are greatly compounded by the fact that the explanatory material is disingenuous in dealing with questions of costs.

It uses the fact that the new regulations provide a means of enforcing legislation introduced but not enforced since 2024, as if the cost associated with the legislation pertains only to enforcement.

'9.2 There is no significant impact on business, charities or voluntary bodies because this SI largely concerns itself with putting in place offences and penalties in Northern Ireland to support the placing on the market requirements already established under the EU Batteries Regulation and address issues of non-compliance with those requirements.'

9. 3 There is no significant impact on the public sector because this SI is largely concerned with putting in place offences and penalties to support compliance with the placing on the market requirements of the EU Batteries Regulation in Northern Ireland replacing existing offences and penalties in Northern Ireland under the Batteries and Accumulators (Placing on the Market) Regulations 2008. It is anticipated that there will be a limited increase in costs for enforcement in Northern Ireland associated with the increased breadth of placing on the market requirements under the EU Batteries Regulation. The legislation does impact small or micro businesses. The requirements of the EU Batteries Regulation are designed amongst other things to improve battery safety and environmental performance by setting minimum standards and requirements for batteries placed on the market. It would undermine those aims to exclude a group of those placing batteries onto the market and the EU Batteries Regulation makes no provision for such an exclusion. However, as set out under paragraph 9.2 the impact across all groups should be low.'

In reality if people are used to a different law and the new law has not been enforced it is likely that some businesses at least will have continued to operate under the old law, such that the real cost of the legislation will only become apparent from the point of enforcement.

In this context limiting the assessment of the cost impact of this legislation just to the cost of its enforcement is profoundly disingenuous.

Furthermore, we can find no example of the Government having previously provided a cost assessment of the impact of the legislation as it stands without enforcement.

I would urge you to press the Government on the real cost implications of this legislation as it relates to the effective coming into force of the legislation that it enforces, which is the only meaningful basis upon which to assess costs if we are not to play games with meaningless abstractions deployed for the purpose of obfuscation.

11 June 2026